

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, May 21, 1936.

The meeting was called to order at 10:30 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen C. F. Alford, Simon Gillis, and Mayor Tom Miller, 3; absent, Councilmen C. M. Bartholomew and Oswald G. Wolf, 2.

The Minutes of the regular meetings of April 23, April 30, May 7, and May 14 were read, and upon motion of Councilman Gillis were adopted as read by the following vote: Ayes, Councilmen Alford, Gillis, and Mayor Miller, 3; nays, none; Councilmen Bartholomew and Wolf absent, 2.

Councilman Gillis offered the following resolution:

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in ETHRIDGE AVENUE across Harris Boulevard, the centerline of which gas main shall be $8\frac{1}{2}$ feet south of and parallel to the north line of said Ethridge Avenue.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(2) A gas main in WATHEN AVENUE across Harris Boulevard, the centerline of which gas main shall be $8\frac{1}{2}$ feet south of and parallel to the north line of said Wathen Avenue.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(3) A gas main in OLTORF STREET from the west line of South Congress Avenue west 18 feet, the centerline of which gas main shall be $13\frac{1}{2}$ feet north of and parallel to the south line of said Oltorf Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(4) A gas main across OLTORF STREET at South Congress Avenue, the centerline of which gas main shall be 2 feet west of and parallel to the west line of South Congress Avenue.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(5) A gas main in SOUTH CONGRESS AVENUE from the north line of Oltorf Street north 92 feet, the centerline of which gas main shall be 3 feet east of and parallel to the west line of said South Congress Avenue.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the City Engineering Department not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets

and the restoration and maintenance of said streets after said mains have been laid shall be under the supervision and direction of the City Manager and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

The foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, 3; nays, none; Councilmen Bartholomew and Wolf absent, 2.

Mayor Miller submitted the following application and resolution:

"Austin, Texas
May 19, 1936

Honorable Mayor and City Council
City of Austin, Texas

Gentlemen:

I hereby make application for permission to set the curb back from the established curb line on the west side of Speedway south of East 21st Street and to pave with concrete the new street area created thereby, opposite my property known as Lot 51, Block B, Outlot 18, Division "D" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, which property is locally known as 2008 Speedway, all as shown upon the plan hereto attached marked 2-C-626.

Respectfully submitted,

(Sgd) C. F. Alford. "

(RESOLUTION)

WHEREAS, C. F. Alford, owner of Lot 51, Block B, Outlot 18, Division "D" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, which property abuts the west side of Speedway south of East 21st Street, and which property is locally known as 2008 Speedway, has made application to the City Council of the City of Austin for permission to set the curb back from the established curb line on the west side of Speedway at the above described property, thereby lessening the traffic hazard at this location by creating a greater width of travelway on Speedway; and

WHEREAS, a plan has been prepared showing the proposed layout of the above described setback and said plan has been considered and approved by the City Council of the City of Austin; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT C. F. Alford, owner of Lot 51, Block B, Outlot 18, Division "D" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, which property abuts the west side of Speedway south of East 21st Street, and which property is locally known as 2008 Speedway, is hereby granted permission to set the curb back from the established curb line on the west side of Speedway adjacent to the above described property.

Permission to construct the above described curb setback is granted subject to the same's being constructed in accordance with the plan approved by the City Engineer of the City of Austin, which plan is hereto attached marked 2-C-626, and is made a part hereof, and in accordance with the following conditions:

(1) That the construction of the setback area on Speedway shall be carried out in accordance with the accompanying plan marked 2-C-626 and that all such widened areas, driveways or ramps and curbs shall be constructed of concrete at the expense of the applicant.

(2) That all such concrete shall be not less than 6 inches in thickness and shall be of the following proportions: 1 part cement, 2½ parts of sand, and 4 parts of screened gravel or rock.

(3) That the concrete curbs adjacent to the sidewalk area shall be not less than

6 inches high and that an expansion joint not less than 3/4 inch thick shall be placed between the curb and the sidewalk as shown on the plan hereto attached marked 2-C-626.

(4) That all such expansion joints shall be of the pre-moulded type.

(5) That all concrete work within the street area shall be done by a bonded sidewalk contractor.

(6) That the applicant shall be required to clean the newly created ramp area at least twice per week and shall dispose of the debris at his expense.

(7) That all work shall be done in accordance with lines and grades furnished by the Engineering Department of the City of Austin and under the direction of the City Engineer.

The foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, 3; nays, none; Councilmen Bartholomew and Wolf absent, 2.

Councilman Gillis introduced the following ordinance:

AN ORDINANCE GRANTING TO THE AUSTIN STREET RAILWAY COMPANY THE FRANCHISE TO OPERATE A BUS OR BUSES OVER THE STREETS OF THE CITY OF AUSTIN FOR THE PURPOSE AND UNDER THE CONDITIONS AND FOR THE TERM HEREIN STATED.

The foregoing ordinance was read the first time and Councilman Gillis moved that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote: Ayes, Councilmen Alford, Gillis, and Mayor Miller, 3; nays, none; Councilmen Bartholomew and Wolf absent, 2.

The ordinance was read the second time and Councilman Gillis moved that the rule be further suspended and the ordinance be passed to its third reading. The motion carried by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, 3; nays, none; Councilmen Bartholomew and Wolf absent, 2.

The ordinance was read the third time and Councilman Gillis moved that the ordinance be finally passed. The motion carried by the following vote: Ayes, Councilmen Alford, Gillis, and Mayor Miller, 3; nays, none; Councilmen Bartholomew and Wolf absent, 2.

Councilman Gillis introduced the following ordinance:

AN ORDINANCE AMENDING, IN THE CERTAIN PARTICULARS HEREINAFTER STATED, AN ORDINANCE ENTITLED: "AN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN; AND REGULATING AND DISTRICTING THE HEIGHT, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE SIZE OF YARDS, COURTS AND OTHER OPEN SPACES, THE DENSITY OF POPULATION, THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE INDUSTRY, RESIDENCES AND OTHER PURPOSES; AND DIVIDING THE CITY OF AUSTIN INTO DISTRICTS OR ZONES, AND REGULATING AND DISTRICTING THE ERECTION, CONSTRUCTION, RECONSTRUCTION, ALTERATION, REPAIR AND USE OF BUILDINGS, STRUCTURES OR LAND WITHIN SUCH DISTRICTS OR ZONES; AND PROVIDING UNIFORM REGULATIONS FOR THE SEVERAL CLASSES AND KINDS OF BUILDINGS OR STRUCTURES AND USES WITHIN THE DISTRICTS OR ZONES; AND ADOPTING TWO ZONING MAPS, DISCLOSING RESPECTIVELY THE SEVERAL USE DISTRICTS AND THE SEVERAL HEIGHT AND AREA DISTRICTS, AND THE RESTRICTIONS AND LIMITATIONS AND PROVISIONS APPLICABLE TO SUCH DISTRICTS; AND PROVIDING FOR A BOARD OF ADJUSTMENT AND DEFINING THE POWERS OF SAME; AND PROVIDING CERTAIN PENALTIES AND REMEDIES; AND DECLARING AN EMERGENCY. "

The foregoing ordinance was read the first time and Councilman Gillis moved that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote: Ayes, Councilmen Alford, Gillis, and Mayor Miller, 3; nays, none; Councilmen Bartholomew and Wolf absent, 2.

The ordinance was read the second time and Councilman Gillis moved that the rule be further suspended and the ordinance be passed to its third reading. The motion carried by the following vote: Ayes, Councilmen Alford, Gillis, and Mayor Miller, 3; nays, none; Councilmen Bartholomew and Wolf absent, 2.

The ordinance was read the third time and Councilman Gillis moved that the same be finally passed. The motion carried by the following vote: Ayes, Councilmen Alford, Gillis, and Mayor Miller, 3; nays, none; Councilmen Bartholomew and Wolf absent, 2.

Councilman Gillis offered the following resolution:

WHEREAS, there appears of record in Plat Book 1, page 49, and in Plat Book 2, at page 149, of the Plat Records of Travis County, Texas, the map or plat of Dancy Addition in the City of Austin, upon which plat is shown the certain streets hereinafter described, which streets were dedicated to public use; and

WHEREAS, thereafter Mrs. Lena Dancy Ledbetter, the owner of all of the property contained in said Dancy Addition, has resubdivided Blocks I, F, and G, a part of said Dancy Addition, and in such Resubdivision has employed the streets shown in said Dancy Addition and hereinafter described, and in lieu thereof has substituted and dedicated other streets to public use, plat of which Resubdivision of Blocks I, F, and G, of the Dancy Addition, is recorded in Plat Book 3, at page 239, of the Plat Records of Travis County, Texas; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT in consideration of the dedication and setting apart perpetually for the use of the public of the streets designated on the plat of said Resubdivision as East 28th Street, East 29th Street, and Drury Lane, and a 15 foot alley east of Block I, and a 15 foot alley east of Block F, which dedications are hereby approved and accepted, the certain streets hereinafter described shall be and they are each hereby perpetually vacated:

1. A street 60 feet in width shown as Drury Lane upon the map or plat of Dancy Addition, as referred to above, and extending from the south line of Dancy Addition to the north line of Dancy Addition;

2. That portion of Dancy Street shown upon the map or plat of Dancy Addition, as referred to above, extending from the east line of Poydras Street to the west line of Drury Lane, being a strip of land 60 feet wide and 165 feet long;

3. That portion of Carnatz Street shown upon the map or plat of Dancy Addition, as above referred to, extending from the east line of Poydras Street to the west line of Drury Lane, and being a strip of land 60 feet wide and 165 feet long.

The foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, 3; nays, none; Councilmen Bartholomew and Wolf absent, 2.

Councilman Gillis moved that the following named persons be granted Taxicab Driver's Permits, in accordance with the recommendation of Roy J. Smith, Captain of Police, Traffic Division: S. C. Armstrong, 2117 Longfellow Street; Walter Bert Hall, 113 West 9th Street; Robert Lee McAnnally, 4011 Avenue A; Chester W. Wallace, 607 East First Street. The motion carried by the following vote: Ayes, Councilmen Alford, Gillis, and Mayor Miller, 3; nays, none; Councilmen Bartholomew and Wolf absent, 2.

The hearing on the rezoning of property on the Fredericksburg Road, beginning at a point formed by the intersection of the City Limits and the Fredericksburg Road on the west side from the south line of the City Limits north approximately 1276 feet to the north line of the Granberry tract for a depth of 150 feet, and on the east side from the south line of the City Limits north approximately 1276 feet and from the east line of the new highway to the west line of the old highway, so as to change same from RESIDENCE "A" DISTRICT to COMMERCIAL "C" DISTRICT was reopened.

Mr. John C. Butler, representing the proponents of the proposed change, submitted

the following written agreement:

"Austin, Texas
21 May 1936

To the City Council,
Hon. Tom Miller, Mayor,
Hon. Guiton Morgan, City Manager,
Austin, Texas.

Gentlemen:

With reference to the re-zoning of our property situated along the Fredericksburg Road, we wish to state that we do not intend to build, operate or maintain, nor permit the erection, maintenance, or operation of a saloon or dance hall upon our property; and in the event of sale or leasing of such property, we agree to use all legal methods to perpetuate this agreement.

Respectfully yours,

(Signed) P. J. Parker
Jno. C. Butler
Edgar Patton
Mrs. Edgar Patton
Austin Herring
Mrs. Austin Herring
H. R. Long
Louis K. Long

Sworn to and subscribed before me, this, the 21st day of May, 1936.

(Signed) Elma Burleson,
Notary Public in and for
Travis County, Texas. "

(SEAL)

After considerable discussion of the matter, in which E. H. Smartt, Attorney for the proponents of the proposed change, and Mr. and Mrs. J. W. Templer, and Mr. and Mrs. Chas. J. Fruth participated, Mayor Miller moved that the City Attorney be instructed to draw an ordinance amending the Zoning Ordinance so as to change the classification of the above described property for a distance of 600 feet on both sides of said Fredericksburg Road from RESIDENCE "A" DISTRICT to COMMERCIAL "C" DISTRICT, in accordance with the restrictions contained in the foregoing agreement of P. J. Parker, et al. The motion carried by the following vote: Ayes, Councilmen Alford, Gillis, and Mayor Miller, 3; nays, none; Councilmen Bartholomew and Wolf absent, 2.

Upon motion duly made and seconded, the meeting was recessed subject to the call of the Mayor.

Approved: Tom Miller.
M a y o r .

Attest:

Hellen McKeen
City Clerk